

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JEREMIE MONTGOMERY,)
)
 Plaintiff,)
)
 v.) **Case No. 3:23-cv-01262**
) **Judge Aleta A. Trauger**
INTERNATIONAL BROTHERHOOD)
OF ELECTRICAL WORKERS AFL-CIO)
(IBEW) Local 429 and)
CONTI CORP.,)
)
Defendants.)

ORDER

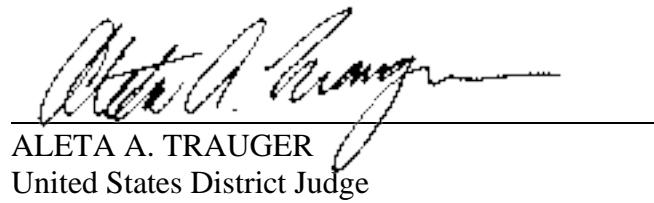
As set forth in the accompanying Memorandum, plaintiff Jeremie Montgomery's Objections (Doc. No. 37) to the dismissal of one of his claims against defendant International Brotherhood of Electrical Workers (IBEW) Local 429 ("Union") are **SUSTAINED**. The court therefore **REJECTS** that portion of the Report and Recommendation ("R&R") (Doc. No. 36) that recommends dismissal of the plaintiff's claim under 42 U.S.C. § 1981 for breach of the Union's duty of fair representation for a discriminatory reason, and **DENIES IN PART** the Union's Motion to Dismiss (Doc. No. 12), insofar as it seeks dismissal of that claim.

In all other respects, the R&R is **ACCEPTED**, and the Motion to Dismiss (Doc. No. 12) is **GRANTED IN PART**. Specifically, insofar as the Complaint can be construed as asserting claims against the Union for employment discrimination, racial harassment, and retaliation under Title VII and/or § 1981, those claims are **DISMISSED**. The claim under § 301 of the Labor Management Relations Act ("LMRA"), 29 U.S.C. § 183, is likewise **DISMISSED**.

In addition, having dismissed the LMRA claim against the Union, the court *sua sponte* **DISMISSES** the LMRA claim against defendant Conti Corp. too, as the claim is entirely barred by the six-month statute of limitations. All other claims asserted in the Complaint remain pending against Conti Corp.

The case remains on referral to the Magistrate Judge.

It is so **ORDERED**.



ALETA A. TRAUGER
United States District Judge